

2013 Trafficking in Persons Report - Albania (June 19, 2013)

ALBANIA – Tier 2 Watch List

Albania is a source country for men, women, and children subjected to sex trafficking and forced labor. Albanian victims are subjected to sex trafficking within Albania and in Greece, Italy, Macedonia, Kosovo, Belgium, Netherlands, Germany, Switzerland, Ireland, and the United Kingdom. Many women are subjected to trafficking after accepting offers of employment in waitressing, bartending, dancing, or singing in neighboring countries, specifically in Kosovo, Greece, and Macedonia. Victims of labor trafficking from the Philippines were identified in Albania during the year. Albanian children are subjected to begging and other forms of compelled labor. Some Albanian girls are subjected to sex trafficking or forced labor following arranged marriages.

The Government of Albania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government failed to demonstrate evidence of increasing efforts to address human trafficking over the previous reporting period; therefore, Albania is placed on Tier 2 Watch List. The government modestly funded NGO shelters that provided services to victims of trafficking and judges were reported to take a more victim-centered approach during trials. The government, however, decreased the number of offenders it investigated, prosecuted, and convicted for trafficking. Albanian authorities continued to prosecute and punish victims for unlawful acts that were a direct result of the victims being subjected to sex trafficking. The government removed the national anti-trafficking coordinator, who was highly effective in collaborating with NGOs to develop the national referral mechanism (NRM) and standard operating procedures, and left the position vacant for five months. This left the national coordinator's office without the authority to convene interagency meetings. Some ministries failed to designate representatives to participate in the NRM and lack of coordination stalled implementation of the anti-trafficking legislation. Assistance to child victims of trafficking was inconsistent.

Recommendations for Albania: Reduce the high rates of turnover among government officials, specifically within local police forces, to maintain capacity gained from officials who are specially trained in addressing human trafficking; allocate a budget for the national anti-trafficking coordinator's office to reduce its dependence on international donors and to increase prevention efforts; systematically train police and officials at the local level on standard operating procedures to increase the number of victims identified and assisted in Albania; ensure victims of sex trafficking are not punished for prostitution offenses; ensure the full implementation of the NRM by designating responsible representatives from each ministry; train officials in child protection units to increase the identification of trafficking indicators and refer victims to appropriate services; fund protective services for child victims of trafficking; vigorously investigate and prosecute trafficking offenders; implement victim-sensitive procedures for accessing healthcare; expand community-based services for victims' reintegration and empowerment to help reduce the stigma associated with trafficking; and continue to expand efforts to increase awareness of labor trafficking.

Prosecution

The Government of Albania decreased its anti-trafficking law enforcement efforts over the last year. The criminal code for Albania prohibits sex and labor trafficking under articles 110(a), 128(b), and 114(b), which prescribe penalties of five to 15 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The Serious Crimes Prosecution office reported investigating 11 human trafficking suspects in 2012, compared with 27 suspects in 2011. The government did not disaggregate data to demonstrate that it made efforts against both sex trafficking and forced labor. Courts dismissed prosecutions against two defendants due to lack of evidence. The government convicted two sex trafficking offenders in 2012, compared with five trafficking offenders convicted in 2011. The two offenders convicted were sentenced to 15 years' imprisonment and a fine equivalent of approximately \$57,100 and 10 years' imprisonment and a fine equivalent of approximately \$38,100 respectively. Two prosecutions remained ongoing. Albanian law enforcement officials coordinated with police in Italy and Germany to investigate and prosecute sex trafficking cases. During 2012, the government trained 114 judges, prosecutors, and judicial police officers on trafficking awareness. NGOs reported that judges adopted a more victim-centered approach during trials after a series of government-sponsored trainings. While media reports alleged that a Republican Guard officer subjected a child to sex trafficking and received a reduced sentence of one year in prison for admitting to the crime of exploitation of prostitution, the government did not report any investigations or prosecutions of government employees allegedly complicit in human trafficking offenses during the year.

Protection

The government maintained efforts to refer victims of trafficking to appropriate services during the reporting period, but lack of coordination among ministries and sporadic implementation of standard operating procedures resulted in punishment for victims of trafficking. In the last year, the government reported identifying 42 new victims. NGOs identified an additional 50 new victims in 2012. This was an increase over a total of 84 victims identified in 2011. A total of 138 victims were cared for in state-run and NGO shelters. Eleven victims identified were men and 26 were children. Two identified victims were subjected to labor trafficking. Law enforcement officials continued to miss opportunities to identify and refer victims to services using standard operating procedures. The government trained approximately 500 police, government officials, and civil society members on implementing standard operating procedures, though high rates of turnover in government positions—specifically within the police—prevented progress at the local level in identifying and protecting victims of trafficking. Most police and regional authorities remain untrained on trafficking issues, and use of standard operating procedures is inconsistent. As a result, many victims were treated as suspects in prostitution – related offenses and not provided access to services through the NRM.

The government provided the equivalent of approximately \$7,280 to NGO shelters; however, this money was strictly allocated for food expenses only and was minimal in light of the number of victims served. The government provided no financial support for services to trafficking victims' dependent children. The government reported that it allocated the equivalent of approximately \$280,952 for social services for adult victims of trafficking; however, it did not

release information on how much of this was spent on these services. Three shelters were operated by NGOs and provided comprehensive services. A fourth state-run shelter provided limited services, but worked in collaboration with NGOs to meet the needs of victims. Two adults and one child housed in the state shelter disappeared during the reporting period. Victims' freedom of movement in the state-run shelter was limited. In 2012, the government approved access to free healthcare for victims of trafficking, but service providers reported that bureaucratic hurdles prevented victims from accessing free healthcare during the reporting period. In practice, potential beneficiaries attempting to access healthcare were required to self-identify as victims of trafficking to numerous professionals in violation of privacy laws. One hundred new child protection units were established at the local level; the units have a direct role in increasing identification of child victims of trafficking and ensuring protection, but most employees lacked the training and resources to effectively identify and assist child victims of trafficking. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders by providing victim witnesses access to social workers and psychologists during trials. The Serious Crimes Prosecution office in Tirana includes a victim witness coordinator; however, victims outside Tirana did not have access to this service and local prosecutors lacked training on how to effectively work with victim witnesses. This problem was exacerbated for trafficking victims in cases in which the trafficker was prosecuted for prostitution-related offenses and not under the trafficking law. As an alternative to removal for foreign trafficking victims, Albania's anti-trafficking law provides a two-year reflection period with temporary residency status and the opportunity to apply for permanent residency after five years in the country, as well as authorization to work. However, in practice, the government has yet to grant this status to a victim.

NGOs reported that victims were punished as a direct result of being in human trafficking situations. In 2012, at least three victims of sex trafficking were convicted of prostitution. In one case, the court issued both a conviction against the defendant for trafficking in persons, and simultaneously convicted the victim for prostitution. Lack of training and the high rate of turnover among prosecutors was a challenge to progress on this problem.

Prevention

Albania sustained efforts to prevent trafficking in persons during the year. The government trained 245 school personnel in mostly rural areas. The government, with support from the OSCE, trained 20 labor inspectors on anti-trafficking awareness and launched a project on labor exploitation and the promotion of corporate social responsibility. While the government updated the NRM through collaboration with civil society, the removal of the national coordinator hindered efforts to implement the national action plan against trafficking adopted in 2011. The government made no discernible efforts to reduce the demand for commercial sex acts, and made limited public awareness efforts aimed at reducing the demand for forced labor.